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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/622,767

Applicant(s)

PLASTINA ET AL.

Examiner

Manglesh M. Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This **Non-Final action** is responsive to communications: IDS and application filed on July 18, 2003.
2. Claims 1-50 are pending. Claims 1, 17, 29, 39 and 45 are independent claims.

### **Withdrawn Rejections**

3. A telephone interview was conducted on January 23, 2006 with Attorney Jim Barta. Upon the interview it was agreed by the examiner to withdraw the previous Non-Final Rejection in view of the argument presented.
4. The 35 U.S.C. 102(e) rejections of claims 1-50 with cited reference of U.S. 6,829,368, filed Jan 24, 2001) have been withdrawn.

### **Drawings**

5. The examiner has accepted the Drawings filed on July 18, 2003.

### ***Claim Objections***

6. Claim 16 & 28 is objected to because the claim is described in a hybrid format and it is unclear since it is viewed as a dependent claim form. This objection would be overcome if for example the words "method of claim 1" was removed from claim 16 and instead the actual limitations of claim 1 are inserted, therefore representing an independent claim.

***Claim Rejections - 35 USC § 101***

7. Claim 39 is rejected under 35 U.S.C. 101 because the claim includes a data structure for storing information but no actual steps are being performed. Therefore the data structure represents non-functional descriptive material.

8. Claim 45 is rejected under 35 U.S.C. 101 because the claim describes a filename, a filename does not represent a useful, tangible and concrete result. The filename is non-statutory because it does not perform any steps or processes.

9. Claims 40-44 are rejected because they inherit the deficiencies of Independent claim 39.

10. Claims 46-50 are rejected because they inherit the deficiencies of Independent claim 45.

**Claim Rejections - 35 USC § 102**

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claims 1-3, 8, 10, 15-16, 27, 29, 36 and 38 are rejected under 35 U.S.C. 102(a) as being anticipated by NPL-MusicMatch, MusicMatch Jukebox Users Guide, Feb 7, 2003, chapters A1-A6 & 1-9.

**Regarding Independent claims 1 and 29,** MusicMatch discloses a method of processing a media file, said media file being adapted for rendering by an application program executed by a computing device, said method comprising:

- Determining whether a user-selected image file corresponding to media content contained in the media file is stored in a memory accessible by the computing device executing the application program (Chapter 5, manage your music collection, pg 3, wherein the image file [album art] associated with the media [song] selected by the user is saved in memory. It is determined if the image resides in memory once the user selects the [find art file] button);
- If not, determining whether a third-party image File accessible by the computing device corresponds to the media content contained in the media file (Chapter 5, manage your music collection, pg 4, wherein tags include image information which are either selected by the user in a library or a [lookup tags feature] which allows connection to a third-party for accessing a image file as part of the tag information);
- And displaying either the user-selected image file or the third-party image file as determined when the application program renders the media file corresponding thereto (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is applied with the music).

**Regarding Dependent claims 2 and 30,** MusicMatch discloses wherein the application program comprises at least one of the following: a media player and an operating system

shell (Chapter A1, wherein MusicMatch Jukebox is a media player).

**Regarding Dependent claim 3**, with dependency of claim 1, MusicMatch discloses wherein the user-selected image file is stored in at least one of the following: a header of the media file, a shell folder, a registry, and a directory (Chapter 5, manage your music collection, pg 3, wherein the user-selected image file is stored within a Jukebox subdirectory).

**Regarding Dependent claim 8 and 36**, MusicMatch discloses wherein the third-party image file comprises a reference to image data (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is applied with the music, the image file comprising album art).

**Regarding Dependent claim 10**, with dependency of claim 1, MusicMatch discloses rendering the media file with an image represented by either the user-selected image file or the third-party image file as determined (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is rendered with the music, the image file comprising album art).

**Regarding Dependent claim 15, 27 and 38**, MusicMatch discloses wherein the media content comprises audio, and wherein the third-party image file comprises album cover

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art (Chapter 5, manage your music collection, pgs 3-4, wherein the third-party or user-selected image file comprises [album art] and is associated with the audio [song]).

**Regarding Dependent claim 16**, with dependency of claim 1, the claim describes a method and contains the same limitations as claim 1 and is therefore rejected under the same rationale.

### **Claim Rejections - 35 USC § 103**

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 4-7, 9, 11-14, 22-24, 34-35, 37, 39, 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over NPL-MusicMatch, MusicMatch Jukebox Users Guide, Feb 7, 2003, chapters A1-A6 & 1-9 in view of Meyers (U.S. 6,829,368, filed on Jan 24, 2001).

**Regarding Dependent claim 4**, with dependency of claim 1, MusicMatch teaches the connection to a third-party to retrieve album art associated with the media file (Chapter 5, manage your music collection, pgs 3-4. Although MusicMatch describes the use of a file name for retrieving the tag information it fails to explicitly describe the use of an identifier). Meyer discloses wherein the third-party image file has a filename associated therewith, and wherein determine whether the third-party image file corresponds to the media content contained in the media file comprises searching for an identifier value in

the filename, said identifier value being associated with an identifier and corresponding to the media content (column 2, lines 35-50 & column 6, lines 60-67, wherein audio and media objects are connected to a third-party by using metadata which include identifiers. Meyer describes the use of metadata for retrieving more information about the music, although Meyer doesn't explicitly teach the image or album art as part of the metadata he describes media players such as MusicMatch that extract metadata from third-party servers and MusicMatch shows that the metadata includes album art as part of the tag information). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

**Regarding Dependent claim 5, 24, 34 and 40,** MusicMatch doesn't explicitly teach identifiers. Meyer discloses wherein the identifier comprises WMCollectionID (column 6, lines 60-67, wherein the identifier includes Windows Media collection ID). Meyer discloses that



media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information.

However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers.

Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

**Regarding Dependent claim 6, 23, 35 and 41,** MusicMatch doesn't explicitly teach identifiers. Meyer discloses wherein the identifier value comprises a globally unique identifier (column 2, lines 52-67, wherein the identifier value is a unique identifier). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving

image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

**Regarding Dependent claim 7**, with dependency of claim 1, MusicMatch teaches the connection to a third-party to retrieve album art associated with the media file (Chapter 5, manage your music collection, pgs 3-4. MusicMatch doesn't explicitly teach identifiers. Meyer discloses identifying a version of the application program, and wherein determining whether the third-party image file corresponds to the media content contained in the media file comprises determining whether the third-party image file corresponds to the media content contained in the media file based on the identified version (column 8, lines 63-67 & column 9, lines 1-8, wherein the third-party media content comprising an image file is validated with the media file by using version information). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious

to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

**Regarding Dependent claim 9, 22, 37 and 43,** MusicMatch describes the metadata has tags for describing the media content but fails to explicitly include hyperlink information associated with the metadata, Meyer discloses wherein the reference comprises a hyperlink (column 18, lines 30-36, wherein the reference includes a hyperlink). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers.

Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

**Regarding Dependent claim 11**, with dependency of claim 1, MusicMatch describes the metadata has tags for describing the media content but fails to explicitly include hyperlink information associated with the metadata, Meyer discloses wherein the reference comprises a hyperlink (column 18, lines 30-36, wherein the reference includes a hyperlink). MusicMatch doesn't explicitly teach identifiers. Meyer discloses: sending an identifier value associated with the media file from the computing device to the metadata provider (column 2, lines 35-65, wherein the identifier value associated to the media content is sent via linking to a metadata provider); receiving metadata corresponding to the media content contained in the media file from the metadata provider in response to the sent identifier value, said received metadata including the third-party image file (column 2, lines 35-65, wherein the received media content from the metadata provider thru linking is in response to the sent identifier) ; and storing the received third-party image file in a directory with the media file (column 16, lines 60-67 & column 17, lines 1-10, wherein the content is in the directory within the media file via content package). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However

MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

**Regarding Dependent claim 12**, with dependency of claim 11, MusicMatch discloses wherein the metadata provider comprises at least one of the following: a human operator, a local cache, a media library, and a remote server (Chapter 5, manage your music collection, pgs 3-4, wherein the metadata provider includes a media library and remote server).

**Regarding Dependent claim 13**, with dependency of claim 11, MusicMatch discloses wherein the computing device and the metadata provider are coupled to a data communication network (Chapter 5, manage your music collection, pgs 3-4, wherein the metadata provider is connected to the computing device thru the internet).

**Regarding Dependent claim 14**, with dependency of claim 11, MusicMatch doesn't explicitly teach identifiers. Meyer discloses storing the received third-party image file comprises storing the received third-party image file with a filename comprising an identifier value corresponding to the media content (column 2, lines 35-55, wherein the third-party media content comprising image information contains a filename that is associated by an identifier to the media content). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

**Regarding Independent claim 39**, MusicMatch discloses: *A media file storing media content*

*for rendering with an application program executed by the computing device* (Chapter 5, manage your music collection, pgs 3-4, wherein the media file stored within the library includes media content for an application program, the application program is MusicMatch Jukebox); MusicMatch doesn't explicitly teach identifiers. Meyer discloses *And an image file corresponding to the media file, said image file having a filename associated therewith, said filename comprising an identifier value associated with the media content in the media file corresponding thereto* (column 2, lines 35-55, wherein the third-party media content a filename that is associated by an identifier to the media content). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

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**Regarding Dependent claim 42**, with dependency of claim 39, MusicMatch discloses wherein the third-party image file comprises a reference to image data (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is applied with the music, the image file comprising album art).

**Regarding Dependent claim 44**, with dependency of claim 39, MusicMatch discloses wherein the media content comprises audio, and wherein the third-party image file comprises album cover art (Chapter 5, manage your music collection, pgs 3-4, wherein the third-party or user-selected image file comprises [album art] and is associated with the audio [song]).

15. Claims 17-28, 31-34 and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyers (U.S. 6,829,368, filed on Jan 24, 2001) in view of NPL-MusicMatch, MusicMatch Jukebox Users Guide, Feb 7, 2003, chapters A1-A6 & 1-9.

**Regarding Independent claim 17 & 28**, Meyer discloses a method for processing image files, said method comprising: sending, from a computing device to a metadata provider, an identifier value associated with a media file, said media file storing media content to be rendered with an application program executed by the computing device (column 2, lines 35-51, wherein an identifier value associated to the media content is send to the metadata provider via linking from the computing device over a network, in addition the media content is rendered by the application program); Meyer fails to explicitly describe the metadata



including image information. MusicMatch discloses receiving metadata corresponding to the media content stored in the media file from the metadata provider in response to the sent identifier value, said received metadata including an image file (Chapter 5, manage your music collection, pg 4, wherein tags include image information which are either selected by the user in a library or a [lookup tags feature] which allows connection to a third-party for accessing a image file as part of the tag information); Storing the received image file in a directory with the media file, said received image file having a filename, said filename comprising an identifier value corresponding to the media content stored in the media file (Chapter 5, manage your music collection, pgs 3-4, wherein the image file is stored in a directory as part of a user library). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 18**, with dependency of claim 17, Meyers teaches the use of an identifier (column 2, lines 35-51). Meyer fails to explicitly describe the metadata including image information. MusicMatch discloses wherein the application program comprises at least one of the following: a media player and an operating system shell (Chapter A1, wherein MusicMatch Jukebox is a media player). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 19**, with dependency of claim 17, Meyer discloses:

- *Receiving the identifier value from the metadata provider* (column 3, lines 5-25, wherein the identifier value is associated to the media content via linking to the provider);

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- *And generating the filename with the received identifier value (column 2, lines 50-67, wherein the audio filename is associated with the identifier value).*

**Regarding Dependent claim 20**, with dependency of claim 17, Meyer discloses:

- *Generating the identifier value (column 2, lines 35-57, wherein an identifier is generated to associate the linking of audio and other media objects to metadata);*
- *And creating the filename with the generated identifier value (column 2, lines 50-67, wherein the filename associated to the electronic file is generated with the identifier information pertaining to the audio).*

**Regarding Dependent claim 21**, with dependency of claim 17, Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses wherein the image file comprises a reference to image data (Chapter 5, manage your music collection, pgs 3-4, wherein the image information references image data such as image format of .bmp or .jpg). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine

the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 22**, with dependency of claim 21, Meyer discloses wherein the reference comprises a hyperlink (column 18, lines 30-36, wherein the reference includes a hyperlink).

**Regarding Dependent claim 23**, with dependency of claim 17, Meyer discloses wherein the identifier value comprises a globally unique identifier (column 2, lines 52-67, wherein the identifier value is a unique identifier).

**Regarding Dependent claim 24**, with dependency of claim 17, Meyer discloses wherein the identifier comprises WMCollectionID (column 6, lines 60-67, wherein the identifier includes Windows Media collection ID).

**Regarding Dependent claim 25**, with dependency of claim 17, Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses wherein storing the received image file in the directory with the media file comprises overwriting an existing image file stored in the directory with the received image file (Chapter 5, manage your music collection, pgs 3-4). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer

describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 26**, with dependency of claim 17, Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses wherein the metadata provider comprises at least one of the following: a user, a local computing device, and a third party art provider (Chapter 5, manage your music collection, pgs 3-4). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of

image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 27**, with dependency of claim 17, Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses wherein the media content comprises audio, and wherein the third-party image file comprises album cover art (Chapter 5, manage your music collection, pgs 3-4, wherein the third-party or user-selected image file comprises [album art] and is associated with the audio [song]). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as

image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 31**, with dependency of claim 29, Meyer discloses *a communications component for: Sending an identifier value associated with the media file from the computing device to a metadata provider* (column 2, lines 35-65, wherein the identifier value associated to the media content is sent via linking to a metadata provider); Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses *receiving metadata corresponding to the media content stored in the media file from the metadata provider in response to the sent identifier value, said received metadata including the third-party image file* (Chapter 5, manage your music collection, pgs 3-4). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 32**, with dependency of claim 31, Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses an authoring component for storing the third-party image file received via the communications component in a directory. With the media file, said received third-party image file having a filename, said filename comprising an identifier value corresponding to the media content (Chapter 5, manage your music collection, pgs 3-4). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 33**, with dependency of claim 29, Meyers teaches the use of an identifier (column 2, lines 35-51). Meyer fails to explicitly describe the metadata



including image information. MusicMatch discloses wherein the third-party image file has a filename associated therewith, and Wherein the resolution component searches for an identifier value in the filename in determining whether the third-party image file is accessible to the computing device, said identifier value being associated with an identifier and corresponding to the media content (Chapter 5, manage your music collection, pgs 3-4). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 34**, with dependency of claim 33, Meyer discloses wherein the identifier comprises WMCollectionID (column 6, lines 60-67, wherein the identifier includes Windows Media collection ID).

**Regarding Independent claim 45**, Meyer discloses a filename for an image file associated with a media file, said media file storing media content, said filename comprising: an identifier value associated with the media content, wherein an application program executed by a computing device searches a file system for the image file using the identifier value to display the image file while rendering the media content (column 2, lines 35-65, wherein the identifier is stored within the file of the media content, and when rendered it uses the identifier value to display the associated information with metadata for the content). Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses the use of image information such as album art as part of the metadata or tag information used to describe the media objects (Chapter 5, manage your music collection, pgs 3-4, wherein the image file is stored in a directory as part of a user library). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to

allow the user to correctly identify the media object.

**Regarding Dependent claim 46**, with dependency of claim 45, Meyers teaches the use of an identifier (column 2, lines 35-51). Meyer fails to explicitly describe the metadata including image information. MusicMatch discloses wherein the application program comprises at least one of the following: a media player and an operating system shell (Chapter A1, wherein MusicMatch Jukebox is a media player). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information.

However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 47**, with dependency of claim 45, Meyer discloses wherein the identifier value comprises a globally unique identifier (column 2, lines 52-67, wherein the identifier value is a unique identifier).

**Regarding Dependent claim 48**, with dependency of claim 45, Meyer discloses wherein the identifier comprises WMCollectionID (column 6, lines 60-67, wherein the identifier includes Windows Media collection ID).

**Regarding Dependent claim 49**, with dependency of claim 45, Meyers teaches the use of an identifier (column 2, lines 35-51). Meyer fails to explicitly describe the metadata including image information. MusicMatch discloses wherein the third-party image file comprises a reference to image data (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is applied with the music, the image file comprising album art). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art.

Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 50**, with dependency of claim 49, Meyer discloses wherein the reference comprises a hyperlink (column 18, lines 30-36, wherein the reference includes a hyperlink).

*It is noted that any citation **[[s]]** to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. **[[See, MPEP 2123]]***

#### **Other Prior Art Cited**

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Woodward et al. (U.S. Pub 2003/0036948) discloses "Method, Apparatus And Program Product For Media Identification And Tracking Associated User Preference"
- Shuster (U.S. Pub 2002/0059370) discloses "Method And Apparatus For Delivering Content Via Information Retrieval Devices"

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- Katinsky et al. (U.S. 6,452,609) discloses “Web Application For Accessing Media Streams”
- Roberts et al. (U.S. 6,230,207) discloses “Network Delivery Of Interactive Entertainment Synchronized To Playback Of Audio Recordings”
- Glaser et al. (U.S. 5,793,980) discloses “Audio-On-Demand Communication System”
- Laronne et al. (U.S. 6,973,451) discloses “Medium Content Identification”
- Oetzel et al. (U.S. Pub 2004/0175159) discloses “Searchable DVD Incorporating Metadata”

### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M, W 6 am-3 pm T, TH 6 am-2pm, Fr 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Manglesh M. Patel*  
*Patent Examiner*  
*April 10, 2006*

  
**CESAR PAULA**  
**PRIMARY EXAMINER**